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THE DISPUTE OVER SAFEGUARDS FOR SENSITIVE NUCLEAR
TECHNOLOGY SOLD TO PAKISTAN

Transfers of nuclear technology on the open market from industrial to developing nations involve a complex set of legal obligations that not only restrict the consumer nation's freedom to use that technology but also sometimes make it difficult for the supplier nation to use the full extent of its leverage for nonproliferation objectives. The following article, [REDACTED]

[REDACTED] illustrates some of the problems supplier nations encounter in trying to impose more stringent nuclear safeguards on consumer states.

The near completion of a reprocessing facility (referred to as the "new labs") at the Pakistan Institute of Nuclear Science and Technology (PINSTECH) has raised the question of whether the French, who originally supplied reprocessing technology to Pakistan, should demand that the new facility come under IAEA safeguards. [REDACTED]

The document at the heart of the controversy over safeguards is the French-Pakistani-IAEA safeguards agreement of 18 March 1976. This agreement* stipulated the safeguards that must be applied to the commercial-scale reprocessing plant the French were to build near Chasma.

*IAEA Information Circular 239. [REDACTED]

27 April 1981

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The accord also explicitly dealt with the safeguards requirements for any other reprocessing facilities that Pakistan might build on its own.

Under Article VI in the agreement, the IAEA must be notified of any reprocessing facilities or equipment relating to reprocessing in Pakistan that are in any way derived from or related to the solvent extraction technology provided by the French for the Chasma reprocessing plant. Furthermore, any Pakistani reprocessing facilities utilizing a solvent extraction process--even if not derived directly from the French process--are to be considered as having been based on the French technology.

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In sum, the difficulties surrounding the controversy over safeguards for reprocessing facilities illustrate the basic dilemma that nuclear supplier states face in dealing with a developing nation determined to acquire sensitive nuclear technology.

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